

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

GHOST CONTROLS, LLC,

Plaintiff,

v.

Case No. 5:20-cv-288-RBD-PRL

GATE1ACCESS LLC; and JULIO
TOLEDO,

Defendants.

ORDER

On January 6, 2021, the Court enjoined Defendants from using Plaintiff's trademarks. (Doc. 31 ("Order").) Two months later, Plaintiff moved the Court to issue an order to show cause against Defendants for violating the Court's Order. (Doc. 33.) On referral, U.S. Magistrate Judge Philip R. Lammens granted the motion and after briefing from Defendants, now recommends holding Defendants in civil contempt. (Doc. 39 ("**R&R**").) Judge Lammens found some of Defendants' use of Plaintiff's trademarks was nominative fair use, but two instances were not and violated the Court's Order. (*Id.* at 5-6.) Defendants have now corrected the problem. (*Id.* at 6.) Given the damages and attorneys' fees already awarded to Plaintiff, the nature of the error, and Defendants' corrective conduct, Judge Lammens does not recommend additional sanctions. (*Id.*)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no such error, the Court adopts the R&R in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Philip R. Lammens' Report and Recommendation (Doc. 39) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Defendants are **HELD IN CIVIL CONTEMPT** for their failure to fully comply with the Court's January 6, 2021 Order (Doc. 31).
3. No sanctions will be imposed at this time, but further violations of the Court's Order will result in sanctions.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 14, 2021.




ROY B. DALTON JR.
United States District Judge